

ARTICLE LXXXVIII.

SLANDER OF FEMALES.

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| 1. Slanderous words against chastity of. | 3. If an infant, by <i>prochein ami</i> . |
| 2. Slandered female, whether married or single, may sue for. | 4. Husband may sue for such slander, when. |

1904, art. 88, sec. 1. 1888, art. 88, sec. 1. 1860, art. 89, sec. 1. 1838, ch. 114, sec. 1. 1888, ch. 441.

1. All words spoken falsely and maliciously touching the character or reputation for chastity of any woman, whether single or married, and tending to the injury thereof shall be deemed slander, and shall be treated as such in the several courts of law in this State.

For words slanderous *per se* under this section, see *Brinsfield v. Howeth*, 110 Md. 526; *Cairnes v. Pelton*, 103 Md. 45; *Shilling v. Carson*, 27 Md. 183; *Terry v. Bright*, 4 Md. 434; *cf. Brinsfield v. Howeth*, 107 Md. 282.

This article does not fix the measure of damages, the same being determined by the principles of the common law. Exemplary damages. *Wilms v. White*, 26 Md. 388.

A woman is expected to be ready to vindicate her chastity. Every woman is presumed to be chaste. Damages. *Shilling v. Carson*, 27 Md. 183.

Purpose of this section; a sufficient reference thereto in the declaration. *Terry v. Bright*, 4 Md. 434.

This section changes the common law. *Cairnes v. Pelton*, 103 Md. 45; *Hemming v. Elliott*, 66 Md. 199; *Wagaman v. Byers*, 17 Md. 187.

For a form of declaration in an action of slander, see art. 75, sec. 24, subsec. 34.

Ibid. sec. 2. 1888, art. 88, sec. 2. 1888, ch. 444.

2. Any woman, whether single or married, whose character or reputation as a woman of chastity may be traduced or defamed by any person may sustain an action of slander in her own name against such person.

See notes to sec. 1.

Ibid. sec. 3. 1888, art. 88, sec. 3. 1888, ch. 444.

3. If the woman, so injured, shall be a *feme sole* under the age of eighteen years she may prosecute such action of slander by her *prochein ami*.

Cited but not construed in *Hemming v. Elliott*, 66 Md. 199.

Ibid. sec. 4. 1888, art. 88, sec. 4. 1888, ch. 444.

4. The husband of any female may prosecute and sustain an action of slander against any person for words falsely and maliciously spoken subsequently to her marriage touching her character or reputation for chastity before or during her marriage.

It is error to join the wife with the husband in a suit under this section. *Hemming v. Elliott*, 66 Md. 199.

A discharge in insolvency does not release a judgment for defaming a female —art. 47, sec. 33.